

### Subpart D—Colorado Roadless Area Management

AUTHORITY: 16 U.S.C. 472, 529, 551, 1608, 1613; 23 U.S.C. 201, 205.

SOURCE: 77 FR 39602, July 3, 2012, unless otherwise noted.

#### § 294.40 Purpose.

The purpose of this subpart is to provide, within the context of multiple use management, State-specific direction for the protection of roadless areas on National Forest System lands in Colorado. The intent of this regulation is to protect roadless values by restricting tree cutting, sale, and removal; road construction and reconstruction; and linear construction zones within Colorado Roadless Areas (CRAs), with narrowly focused exceptions. Activities must be designed to conserve the roadless area characteristics listed in § 294.41, although applying the exceptions in § 294.42, § 294.43, and § 294.44 may have effects to some roadless area characteristics.

#### § 294.41 Definitions.

The following terms and definitions apply to this subpart.

*At-Risk Community:* As defined under section 101 of the Healthy Forests Restoration Act (HFRA).

*Catchment:* A watershed delineation beginning at the downstream point of occupation of native cutthroat trout and encompassing the upstream boundary of waters draining in the stream system.

*Colorado Roadless Areas:* Areas designated pursuant to this subpart and identified in a set of maps maintained at the national headquarters office of the Forest Service. Colorado Roadless Areas established by this subpart shall constitute the exclusive set of National Forest System lands within the State of Colorado to which the provisions 36 CFR 220.5(a)(2) shall apply.

*Colorado Roadless Areas Upper Tier Acres:* A subset of Colorado Roadless Areas identified in a set of maps maintained at the national headquarters office of the Forest Service which have limited exceptions to provide a high-level of protection for these areas.

*Community Protection Zone:* An area extending one-half mile from the boundary of an at-risk community; or an area within one and a half miles from the boundary of an at-risk community, where any land:

(1) Has a sustained steep slope that creates the potential for wildfire behavior endangering the at-risk community;

(2) Has a geographic feature that aids in creating an effective fire break, such as a road or a ridge top; or

(3) Is in condition class 3 as defined by HFRA.

*Community Wildfire Protection Plan:* As defined under section 101 of the HFRA, and used in this subpart, the term “community wildfire protection plan” means a plan for an at-risk community that:

(1) Is developed within the context of the collaborative agreements and the guidance established by the Wildland Fire Leadership Council and agreed to by the applicable local government, local fire department, and State agency responsible for forest management, in consultation with interested parties and the Federal land management agencies managing land in the vicinity of the at-risk community;

(2) Identifies and prioritizes areas for hazardous fuel reduction treatments and recommends the types and methods of treatment on Federal and non-Federal land that will protect one or more at-risk communities and essential infrastructure; and

(3) Recommends measures to reduce structural ignitability throughout the at-risk community.

*Condition Class 3:* As defined under section 101 of the HFRA the term “condition class 3” means an area of Federal land, under which:

(1) Fire regimes on land have been significantly altered from historical ranges;

(2) There exists a high risk of losing key ecosystem components from fire;

(3) Fire frequencies have departed from historical frequencies by multiple return intervals, resulting in dramatic changes to:

(i) The size, frequency, intensity, or severity of fires; or

(ii) Landscape patterns; and

(4) Vegetation attributes have been significantly altered from the historical range of the attributes.

*Fire Hazard:* A fuel complex defined by volume, type, condition, arrangement and location that determines the ease of ignition and the resistance to control; expresses the potential fire behavior for a fuel type, regardless of the fuel type's weather influenced fuel moisture condition.

*Fire Occurrence:* One fire event occurring in a specific place within a specific period of time; a general term describing past or current wildland fire events.

*Fire Risk:* The probability or chance that a fire might start, as affected by the presence and activities of causative agents.

*Forest Road:* As defined at 36 CFR 212.1, the term means a road wholly or partly within or adjacent to and serving the National Forest System that the Forest Service determines is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.

*Hazardous Fuels:* Excessive live or dead wildland fuel accumulations that increase the potential for intense wildland fire and decrease the capability to protect life, property and natural resources.

*Linear Construction Zone:* A temporary linear area of surface disturbance over 50-inches wide that is used for construction equipment to install or maintain a linear facility. The sole purpose of the linear disturbance is to accommodate equipment needed to construct and transport supplies and personnel needed to install or maintain the linear facility. It is not a road, not used as a motor vehicle route, not open for public use, and is not engineered to road specifications.

*Linear Facility:* Linear facilities include pipelines, electrical power lines, telecommunications lines, ditches, canals, and dams.

*Municipal Water Supply System:* As defined under Section 101 of the HFRA, and used in this subpart, the term means the reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, and other surface facilities and systems constructed or installed for the collec-

tion, impoundment, storage, transportation, or distribution of drinking water.

*Native Cutthroat Trout:* Collectively, all the native subspecies of cutthroat trout historically occurring in Colorado before European settlement which includes yellowfin, Rio Grande, Greenback, and Colorado River Trout.

*Permanent Road:* Roads that are either a forest road; private road (a road under private ownership authorized by an easement granted to a private party or a road that provides access pursuant to a reserved or outstanding right); or public road (a road under the jurisdiction of and maintained by a public road authority and open to public travel).

*Pre-Existing Water Court Decree:* An adjudicated conditional or absolute decree issued by a Colorado Court, the initial application for which was filed prior to July 3, 2012, adjudicating as the point of a diversion or the place of use a location within a Colorado Roadless Area. A pre-existing water court decree does not include decrees for water rights with a point of diversion and place of use outside of a Colorado Roadless Area, the holder of which proposes to change the point of diversion or place of use to within a Colorado Roadless Area, except for a change in location of a head gate and associated ditch pursuant to Colorado Revised Statute 2011 §37–86–111.

*Responsible Official:* The Forest Service line officer with the authority and responsibility to make decisions about protection and management of Colorado Roadless Areas pursuant to this subpart.

*Road:* As defined at 36 CFR 212.1, the term means a motor vehicle route over 50 inches wide, unless identified and managed as a trail.

*Roadless Area Characteristics:* Resources or features that are often present in and characterize Colorado Roadless Areas, including:

- (1) High quality or undisturbed soil, water, and air;
- (2) Sources of public drinking water;
- (3) Diversity of plant and animal communities;

(4) Habitat for threatened, endangered, proposed, candidate, and sensitive species, and for those species dependent on large, undisturbed areas of land;

(5) Primitive, semi-primitive non-motorized and semi-primitive motorized classes of dispersed recreation;

(6) Reference landscapes;

(7) Natural-appearing landscapes with high scenic quality;

(8) Traditional cultural properties and sacred sites; and

(9) Other locally identified unique characteristics.

*Temporary Road:* As defined at 36 CFR 212.1, the term means a road necessary for emergency operations or authorized by contract, permit, lease, or other written authorization that is not a forest road and that is not included in a forest transportation atlas.

*Water Conveyance Structures:* Facilities associated with the transmission, storage, impoundment, and diversion of water on and across National Forest System lands. Water conveyance structures include, but are not limited to: Reservoirs and dams, diversion structures, headgates, pipelines, ditches, canals, and tunnels.

*Water Influence Zone:* The land next to water bodies where vegetation plays a major role in sustaining long-term integrity of aquatic systems. It includes the geomorphic floodplain (valley bottom), riparian ecosystem, and inner gorge. Its minimum horizontal width (from top of each bank) is 100 feet or the mean height of mature dominant late-seral vegetation, whichever is greater.

*Watershed Conservation Practice:* The watershed conservation practices are stewardship actions based upon scientific principles and legal requirements to protect soil, aquatic and riparian resources. Each watershed conservation practice consists of a management measure, a set of design criteria used to achieve the management measure, and guidance for monitoring and restoration. For specific information, refer to Forest Service Manual 2509.25.

#### § 294.42 Prohibition on tree cutting, sale, or removal.

(a) *General.* Trees may not be cut, sold, or removed in Colorado Roadless Areas, except as provided in paragraph (b) and (c) of this section.

(b) *Upper Tier Acres.* Notwithstanding the prohibition in paragraph (a) of this section, trees may be cut, sold, or removed in Colorado Roadless Areas upper tier acres if the responsible official determines the activity is consistent with the applicable land management plan, and:

(1) Tree cutting, sale, or removal is incidental to the implementation of a management activity not otherwise prohibited by this subpart; or

(2) Tree cutting, sale, or removal is needed and appropriate for personal or administrative use, as provided for in 36 CFR part 223, subpart A.

(c) *Non-Upper Tier Acres.* Notwithstanding the prohibition in paragraph (a) of this section, trees may be cut, sold, or removed in Colorado Roadless Areas outside upper tier acres if the responsible official, unless otherwise noted, determines the activity is consistent with the applicable land management plan, one or more of the roadless area characteristics will be maintained or improved over the long-term with the exception of paragraph (5) and (6) of this section, and one of the following circumstances exists:

(1) The Regional Forester determines tree cutting, sale, or removal is needed to reduce hazardous fuels to an at-risk community or municipal water supply system that is:

(i) Within the first one-half mile of the community protection zone, or

(ii) Within the next one-mile of the community protection zone, and is within an area identified in a Community Wildfire Protection Plan.

(iii) Projects undertaken pursuant to paragraphs (c)(1)(i) and (ii) of this section will focus on cutting and removing generally small diameter trees to create fuel conditions that modify fire behavior while retaining large trees to the maximum extent practical as appropriate to the forest type.

(2) The Regional Forester determines tree cutting, sale, or removal is needed outside the community protection zone where there is a significant risk that a

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wildland fire disturbance event could adversely affect a municipal water supply system or the maintenance of that system. A significant risk exists where the history of fire occurrence, and fire hazard and risk indicate a serious likelihood that a wildland fire disturbance event would present a high risk of threat to a municipal water supply system.

(i) Projects will focus on cutting and removing generally small diameter trees to create fuel conditions that modify fire behavior while retaining large trees to the maximum extent practical as appropriate to the forest type.

(ii) Projects are expected to be infrequent.

(3) Tree cutting, sale, or removal is needed to maintain or restore the characteristics of ecosystem composition, structure and processes. These projects are expected to be infrequent.

(4) Tree cutting, sale, or removal is needed to improve habitat for federally threatened, endangered, proposed, or Agency designated sensitive species; in coordination with the Colorado Department of Natural Resources, including the Colorado Division of Parks and Wildlife.

(5) Tree cutting, sale, or removal is incidental to the implementation of a management activity not otherwise prohibited by this subpart.

(6) Tree cutting, sale, or removal is needed and appropriate for personal or administrative use, as provided for in 36 CFR part 223, subpart A.

### § 294.43 Prohibition on road construction and reconstruction.

(a) *General.* A road may not be constructed or reconstructed in a Colorado Roadless Area except as provided in paragraphs (b) and (c) of this section.

(b) *Upper Tier Acres.* Notwithstanding the prohibition in paragraph (a) of this section, a road may only be constructed or reconstructed in Colorado Roadless Area upper tier acres if the responsible official determines that the conditions in subsection 1 or 2 are met.

(1) A road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty, or

(2) A road is needed to protect public health and safety in cases of an immi-

nent threat of flood, fire or other catastrophic event that, without intervention, would cause the loss of life or property.

(3) For any road construction/reconstruction authorized pursuant to this provision, subject to the legal rights identified in 36 CFR 294.43(b)(1), the responsible official must determine:

(i) Motorized access, without road construction is not feasible;

(ii) When proposing to construct a forest road, that a temporary road would not provide reasonable access;

(iii) Road construction is consistent with the applicable land management plan direction;

(iv) Within a native cutthroat trout catchment or identified recovery watershed, road construction will not diminish, over the long-term, conditions in the water influence zone and the extent of the occupied native cutthroat trout habitat; and

(v) That watershed conservation practices will be applied to all projects occurring in native cutthroat trout habitat.

(c) *Non-Upper Tier Acres.* Notwithstanding the prohibition in paragraph (a) of this section, a road or temporary road may only be constructed or reconstructed in Colorado Roadless Areas outside upper tier acres if the responsible official determines:

(1) That one of the following exceptions exists:

(i) A road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty;

(ii) Road realignment is needed to prevent irreparable resource damage that arises from the design, location, use, or deterioration of a forest road and that cannot be mitigated by road maintenance. Road realignment may occur under this paragraph only if the road is deemed essential for administrative or public access, public health and safety, or uses authorized under permit, easement or other legal instrument;

(iii) Road reconstruction is needed to implement a road safety improvement project on a forest road determined to be hazardous on the basis of accident experience or accident potential on that road;

(iv) The Regional Forester determines a road or temporary road is needed to allow for the construction, reconstruction, or maintenance of an authorized water conveyance structure which is operated pursuant to a pre-existing water court decree with the use of the road limited to the water right identified in the pre-existing water court decree (see also § 294.44(b)(2));

(v) A temporary road is needed to protect public health and safety in cases of imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property;

(vi) The Regional Forester determines a temporary road is needed to facilitate tree cutting, sale, or removal (§ 294.42(c)(1)) within the first one-half mile of the community protection zone to reduce the wildfire hazard to an at-risk community or municipal water supply system;

(vii) The Regional Forester determines a temporary road is needed to facilitate tree cutting, sale, or removal (§ 294.42(c)(3)) within the first one-half mile of the community protection zone to maintain or restore characteristics of ecosystem composition, structure and processes;

(viii) A temporary road is needed within a Colorado Roadless Area pursuant to the exploration or development of an existing oil and gas lease that does not prohibit road construction or reconstruction, including the construction of infrastructure necessary to transport the product, on National Forest System lands that are under lease issued by the Secretary of the Interior as of July 3, 2012. The Forest Service shall not authorize the Bureau of Land Management to grant any request for a waiver, exception, or modification to any oil or gas lease if doing so would result in any road construction within a Colorado Roadless Area beyond that which was authorized by the terms and conditions of the lease at the time of issuance; or

(ix) A temporary road is needed for coal exploration and/or coal-related surface activities for certain lands within Colorado Roadless Areas in the North Fork coal mining area of the Grand Mesa, Uncompahgre, and Gunnison National Forests as defined by the

North Fork coal mining area displayed on the final Colorado Roadless Areas map. Such roads may also be used for collecting and transporting coal mine methane. Any buried infrastructure, including pipelines, needed for the capture, collection, and use of coal mine methane, will be located within the rights-of-way of temporary roads that are otherwise necessary for coal-related surface activities including the installation and operation of methane venting wells.

(2) If proposed road construction/reconstruction meets one of the exceptions, subject to the legal rights identified in § 294.43(c)(1), the responsible official must determine:

(i) Motorized access, without road construction is not feasible;

(ii) When proposing to construct a forest road, that a temporary road would not provide reasonable access;

(iii) Road construction is consistent with the applicable land management plan direction;

(iv) Within a native cutthroat trout catchment or identified recovery watershed, road construction will not diminish, over the long-term, conditions in the water influence zone and the extent of the occupied native cutthroat trout habitat; and

(v) That watershed conservation practices will be applied to all projects occurring in native cutthroat trout habitat.

(d) *Road construction/reconstruction/decommissioning project implementation and management.* The following elements will be incorporated into any road construction/reconstruction projects implemented within Colorado Roadless Areas.

(1) *Road construction/reconstruction.* If it is determined that a road is authorized in a Colorado Roadless Area, conduct construction in a manner that reduces effects on surface resources, and prevents unnecessary or unreasonable surface disturbance.

(2) *Road decommissioning.* Decommission any road and restore the affected landscape when it is determined that the road is no longer needed for the established purpose prior to, or upon termination or expiration of a contract, authorization, or permit, if possible; or upon termination or expiration of a

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contract, authorization, or permit, whichever is sooner. Require the inclusion of a road decommissioning provision in all contracts or permits. Design decommissioning to stabilize, restore, and revegetate unneeded roads to a more natural state to protect resources and enhance roadless area characteristics. Examples include obliteration, denial of use, elimination of travelway functionality, and removal of the road prism (restoration of the road corridor to the original contour and hydrologic function).

(3) *Road designations.* The designation of a temporary road constructed or reconstructed pursuant to this subpart may not be changed to forest road except where a forest road is allowed under paragraphs (b) and (c) of this section.

(4) *Road use.* Use of motor vehicles for administrative purposes by the Forest Service and by fire, emergency, or law enforcement personnel is allowed. All roads constructed pursuant to paragraphs (b) and (c) of this section shall prohibit public motorized vehicles (including off-highway vehicles) except:

(i) Where specifically used for the purpose for which the road was established; or

(ii) Motor vehicle use that is specifically authorized under a Federal law or regulation.

(5) *Road maintenance.* Maintenance of roads is permissible in Colorado Roadless Areas.

#### § 294.44 Prohibition on linear construction zones.

(a) *General.* A linear construction zone may not be authorized in Colorado Roadless Areas except as provided in paragraph (b) and (c) of this section and § 294.48 (a).

(b) *Upper Tier Acres.* Notwithstanding the prohibition in paragraph (a) of this section, a linear construction zone may only be authorized within Colorado Roadless Area upper tier acres if the Regional Forester determines the LCZ is needed:

(1) Pursuant to reserved or outstanding rights, or as provided for by statute or treaty.

(2) For the construction, reconstruction, or maintenance of an authorized water conveyance structure which is

operated pursuant to a pre-existing water court decree (see § 294.43(c)(1)(iv));

(c) *Non-Upper Tier Acres.* Notwithstanding the prohibition in paragraph (a) of this section, a linear construction zone may only be authorized within Colorado Roadless Area non-upper tier acres if the Regional Forester determines the LCZ is needed:

(1) Pursuant to reserved or outstanding rights, or as provided for by statute or treaty.

(2) For the construction, reconstruction, or maintenance of an authorized water conveyance structure which is operated pursuant to a pre-existing water court decree (see § 294.43(c)(1)(iv));

(3) For the construction, reconstruction, or maintenance of existing or future authorized electrical power lines or telecommunication lines. Electrical power lines or telecommunication lines within Colorado Roadless Areas will only be authorized if there is no opportunity for the project to be implemented outside of a Colorado Roadless Area without causing substantially greater environmental damage; or

(4) For the construction, reconstruction or maintenance of a pipeline associated with operation of an oil and gas lease that allows surface use within a Colorado Roadless Area or the construction, reconstruction or maintenance of a pipeline needed to connect to infrastructure within a Colorado Roadless Area from outside a Colorado Roadless Area where such a connection would cause substantially less environmental damage than alternative routes. The construction of pipelines for the purposes of transporting oil or natural gas through a Colorado Roadless Area, where the source(s) and destination(s) of the pipeline are located exclusively outside of a Colorado Roadless Area, shall not be authorized.

(d) *Proposed Linear Construction Zones.* If a proposed linear construction zone meets one of the above exceptions, then the following must be determined:

(1) Motorized access, without a linear construction zone, is not feasible;

(2) A linear construction zone is consistent with the applicable land management plan direction;

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(3) A linear construction zone is no wider than its intended use;

(4) Within a native cutthroat trout catchment or identified recovery watershed, a linear construction zone will not diminish, over the long-term, conditions in the water influence zone and the extent of the occupied native cutthroat trout habitat;

(5) Reclamation of a linear construction zone will not diminish, over the long-term, roadless area characteristics; and

(6) That watershed conservation practices will be applied to all projects occurring in catchments with occupied native cutthroat trout habitat.

(e) *Linear construction zone decommissioning.* Where a linear construction zone is authorized in a Colorado Roadless Area, installation of the linear facility will be done in a manner that minimizes ground disturbance, including placement within existing right-of-ways where feasible. All authorizations approving the installation of linear facilities through the use of a linear construction zone shall include a responsible official approved reclamation plan for reclaiming the affected landscape while conserving roadless area characteristics over the long-term. Upon completion of the installation of a linear facility via the use of a linear construction zone, all areas of surface disturbance shall be reclaimed as prescribed in the authorization and the approved reclamation plan and may not be waived.

### § 294.45 Environmental documentation.

(a) Environmental documentation will be prepared pursuant to Section 102 of the National Environmental Policy Act, 40 CFR part 1500, and 36 CFR part 220 for any proposed action within a Colorado Roadless Area. Proposed actions that would significantly alter the undeveloped character of a Colorado Roadless Area require an Environmental Impact Statement (EIS).

(b) The Forest Service will offer cooperating agency status to the State of Colorado, for all proposed projects and planning activities subject to this rule that would be implemented on lands within Colorado Roadless Areas. Where the Forest Service does not have the

authority to offer formal cooperating agency status, the Forest Service shall offer to coordinate with the State.

### § 294.46 Other activities.

(a) *Water Rights.* This subpart in no manner restricts any party from seeking modification of a pre-existing water court decree, but after July 3, 2012 any Forest Service authorization required for road construction, road reconstruction, tree cutting, or linear construction zones associated with a modified water court decree must conform to the requirements in this subpart; provided that road construction or reconstruction may be authorized where necessary to change the location of a headgate and associated ditch, pursuant to Colorado Revised Statute 2011 §37-86-111.

(b) *Oil and Gas Leases.* Oil and gas leases issued within a Colorado Roadless Area after July 3, 2012 will prohibit road construction/reconstruction. The Forest Service shall not authorize the Bureau of Land Management to grant any request for a waiver, exception, or modification to any oil or gas lease if doing so would result in any road construction within a Colorado Roadless Area. For oil and gas leases issued in a Colorado Roadless Area prior to July 3, 2012, the rule preserves any existing leases and surface development rights. The rule also preserves any existing limitations on surface development rights arising from lease terms, lease stipulations, conditions of approval, 36 CFR 228.100, and Onshore Oil and Gas Orders.

(c) *Oil and Gas Leases on Upper Tier Acres.* Oil and gas leases issued within upper tier acres after July 3, 2012 will require a no surface occupancy stipulation. The Forest Service shall not authorize the Bureau of Land Management to grant any request for a waiver, exception, or modification to any oil or gas lease if doing so would result in surface occupancy within an upper tier area.

(d) *Oil and Gas Surface Use Plans of Operation.* Where applicable and consistent with lease rights, during the review of any application for a surface use plan of operations affecting lands within a Colorado Roadless Area, the responsible official will:

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(1) Locate, without compromising health and safety standards, roads, well sites, and facilities on pre-existing areas of surface disturbance. Project design shall minimize the amount of necessary temporary road construction or reconstruction.

(2) Consider an alternative for proposed operations that addresses locating directional drilling of multi-well sites on pre-existing areas of surface disturbance. Such an alternative can be dismissed from detailed analysis with clear justification.

(3) Restrict road construction for leases partially within Colorado Roadless Areas to portions of the lease outside of Colorado Roadless Areas except when doing so will be substantially more environmentally damaging, compromise safety standards, or is unfeasible due to surface and/or operational conditions.

(4) Perform reclamation of surface disturbances incrementally, to minimize the total area of disturbance at any given point in time during the exploration or development of a lease.

(5) Design temporary roads and facilities to blend with the terrain to minimize visual impacts and to facilitate restoration when the road is no longer needed.

(6) Co-locate, consistent with health and safety standards, power lines, flow lines and pipelines within the right-of-way of roads or other LCZs to minimize the area of surface disturbance.

(7) Consider new and developing low impact techniques and technologies and either apply or dismiss with justification.

(8) Consider the best available technology to minimize noise and air emissions.

(e) *Trails*. Nothing in this subpart shall affect the current or future management of motorized and non-motorized trails in Colorado Roadless Areas. Decisions concerning the management or status of motorized and non-motorized trails within Colorado Roadless Areas under this subpart shall be made during the applicable forest travel management processes.

(f) *Motorized access*. Nothing in this subpart shall be construed as limiting the authority of the responsible official to approve existing and future motor-

ized access not requiring road construction or reconstruction in Colorado Roadless Areas associated with grazing permits, special use authorizations, and other authorizations.

(g) *Livestock grazing*. The authority to issue livestock grazing permits on national forest system lands within a Colorado Roadless Area is not affected by this subpart; however, no new temporary or forest roads shall be authorized through grazing permits issued after July 3, 2012.

### § 294.47 Modifications and administrative corrections.

Modifications and administrative corrections pursuant to this subpart, after coordination with the State, may be made under the following circumstances:

(a) *Modifications to boundaries*. The Chief of the Forest Service may modify the boundaries of any designated Colorado Roadless Area identified in § 294.49 or add new Colorado Roadless Areas based on changed circumstances. Modifications and additions will be reflected in the set of maps maintained at the national headquarters office of the Forest Service. The construction or reconstruction of a temporary road or tree cutting, sale, or removal will not result in any boundary modification of a Colorado Roadless Area. Public notice with a minimum 90-day comment period will be provided for any proposed Colorado Roadless Area boundary modifications or additions.

(b) *Administrative corrections to boundaries*. The Chief of the Forest Service may issue administrative corrections after public notice and a 30-day comment period. Administrative corrections to the maps of any designated Colorado Roadless Areas identified in § 294.49, including upper tier acres are adjustments to remedy errors such as clerical or improvements in mapping technology. Other than clerical errors, an administrative correction is based on improved field data due to updated imagery, global positioning system data, or other collected field data.

(c) *Amendments to rule language*. Any amendment of this subpart will include coordination with the State and the appropriate level of NEPA analysis. A



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minimum 90-day comment period will be provided.

### § 294.48 Scope and applicability.

(a) This subpart does not revoke, suspend, or modify any permit, contract, lease, or other legal instrument authorizing or granting rights to the occupancy and use of National Forest system land issued prior to July 3, 2012 nor does it affect the authority or the discretion of the responsible official to reissue any such permit, contract, or other legal instrument upon its expiration or termination.

(b) This subpart does not revoke, suspend, or modify any project or activity decision made prior to July 3, 2012.

(c) The provisions set forth in this subpart provide the maximum level of tree cutting, sale and removal, and road construction and reconstruction activity allowed within Colorado Roadless Areas. Land management plan components can be more restrictive than this subpart and will continue to provide direction and guidance for projects and activities within Colorado Roadless Areas. Nothing in this subpart shall prohibit a responsible official from further restricting activities allowed within Colorado Roadless Areas. This subpart does not compel the amendment or revision of any land management plan.

(d) The prohibitions and restrictions established in this subpart are not subject to reconsideration, revision, or rescission in subsequent project decisions or land management plan amendments or revisions undertaken pursuant to 36 CFR part 219.

(e) Nothing in this subpart waives any applicable requirements regarding site specific environmental analysis, public involvement, consultation with Tribes and other agencies, or compliance with applicable laws.

(f) If any provision in this subpart or its application to any person or to certain circumstances is held to be invalid, the remainder of the regulations in this subpart and their application remain in force.

(g) After July 3, 2012 36 CFR 294.10 through 294.14 shall have no effect within the State of Colorado.

### § 294.49 List of designated Colorado Roadless Areas.

All National Forest System lands within the State of Colorado listed in this section are hereby designated as Colorado Roadless Areas. An "X" in the third column indicates that some or all of that CRA contains upper tier acres.

Line No.	Colorado roadless area name	Includes upper tier acres
<b>Arapaho-Roosevelt National Forest</b>		
1	Bard Creek .....	X
2	Byers Peak .....	X
3	Cache La Poudre Adjacent Areas .....	X
4	Cherokee Park.	
5	Comanche Peak Adjacent Areas .....	X
6	Copper Mountain.	
7	Crosier Mountain.	
8	Gold Run .....	X
9	Green Ridge -East .....	X
10	Green Ridge -West .....	X
11	Grey Rock.	
12	Hell Canyon.	
13	Indian Peaks Adjacent Areas .....	X
14	James Peak.	
15	Kelly Creek .....	X
16	Lion Gulch.	
17	Mount Evans Adjacent Areas .....	X
18	Mount Sniktau .....	X
19	Neota Adjacent Area .....	X
20	Never Summer Adjacent Area.	
21	North Lone Pine .....	X
22	North St. Vrain .....	X
23	Rawah Adjacent Areas .....	X
24	Square Top Mountain .....	X
25	Troublesome .....	X
26	Vasquez Adjacent Area .....	X
27	White Pine Mountain.	
28	Williams Fork .....	X
<b>Grand Mesa, Uncompahgre, Gunnison National Forest</b>		
29	Agate Creek.	
30	American Flag Mountain.	
31	Baldy.	
32	Battlements.	
33	Beaver .....	X
34	Beckwiths.	
35	Calamity Basin.	
36	Cannibal Plateau.	
37	Canyon Creek-Antero.	
38	Canyon Creek.	
39	Carson .....	X
40	Castle.	
41	Cataract .....	X
42	Cimarron Ridge.	
43	Clear Fork.	
44	Cochetopa .....	X
45	Cochetopa Hills.	
46	Cottonwoods.	
47	Crystal Creek.	
48	Crystal Peak .....	X
49	Curecanti .....	X
50	Currant Creek.	
51	Deer Creek.	
52	Dominguez.	
53	Double Top.	
54	East Elk.	
55	Electric Mountain.	

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56	Failes Creek-Soldier Creek .....	X	123	Green Mountain.	
57	Flatirons.		124	Greenhorn Mountain: Badito Cone to Dry Creek.	X
58	Flattop Mountain.		125	Greenhorn Mountain: Cisneros Creek to Upper Turkey Creek.	
59	Flattops-Elk Park.		126	Greenhorn Mountain: Graneros Creek to Section 10.	X
60	Gothic.		127	Greenhorn Mountain: Little Saint Charles Creek to Greenhorn Creek.	
61	Granite Basin .....	X	128	Gunbarrel.	
62	Hightower.		129	Hardscrabble.	
63	Hope Lake .....	X	130	Highline.	
64	Horse Ranch Park.		131	Holy Cross .....	X
65	Horsefly Canyon .....	X	132	Hoosier Ridge .....	X
66	Huntsman Ridge.		133	Jefferson.	
67	Italian Mountain.		134	Kaufman Ridge.	
68	Johnson Basin .....	X	135	Kreutzer-Princeton .....	X
69	Kannah Creek.		136	Little Fountain Creek .....	X
70	Kelso Mesa.		137	Lost Creek East.	
71	Last Dollar-Sheep Creek.		138	Lost Creek South.	
72	Little Cimarron .....	X	139	Lost Creek West.	
73	Long Canyon.		140	Methodist Mountain.	
74	Matchless Mountain.		141	Mount Antero.	
75	Matterhorn .....	X	142	Mount Elbert.	
76	McClure Pass.		143	Mount Evans .....	X
77	Mendicant .....	X	144	Mount Massive .....	X
78	Mineral Mountain .....	X	145	Pikes Peak East.	
79	Mirror Lake.		146	Pikes Peak West.	
80	Mount Lamborn .....	X	147	Porphyry Peak.	
81	Munsey-Erickson .....	X	148	Puma Hills.	
82	Naturita Canyon .....	X	149	Purgatoire .....	X
83	North Henson.		150	Rampart East .....	X
84	Pilot Knob.		151	Rampart West.	
85	Poverty Gulch .....	X	152	Reveille Canyon.	
86	Salt Creek.		153	Romley .....	X
87	Sanford Basin .....	X	154	Saint Charles Peak.	
88	Sawtooth .....	X	155	Sangre de Cristo: Alvarado Campground to Music Pass.	X
89	Schofield Pass.		156	Sangre de Cristo: Blanca Peak to Slide Mountain.	X
90	Soap Creek .....	X	157	Sangre de Cristo: Lake Creek to Hermit Creek.	X
91	Steuben.		158	Sangre de Cristo: Medano Pass to Carbonate Mountain.	X
92	Sunnyside.		159	Sangre de Cristo: Silverheels Gulch to Hunts Creek.	
93	Sunset.		160	Sangre de Cristo: West Creek to Big Cottonwood.	
94	Texas Creek.		161	Schoolmarm Mountain.	
95	Tomahawk.		162	Scraggy Peaks.	
96	Turner Creek.		163	Sheep Rock.	
97	Turret Ridge .....	X	164	Silverheels .....	X
98	Unaweep .....	X	165	Spanish Peaks .....	X
99	Union.		166	Square Top Mountain .....	X
100	Whetstone.		167	Starvation Creek.	
101	Whitehouse Mountain .....	X	168	Tanner Peak .....	X
102	Willow Creek.		169	Thirtynine Mile Mountain .....	X
103	Wilson .....	X	170	Thunder Butte.	
104	Windy Point.		171	Weston Peak .....	X
<b>Manti-La Sal National Forest</b>			<b>Rio Grande National Forest</b>		
105	Roc Creek .....	X	172	Alamosa River .....	X
<b>Pike-San Isabel National Forest</b>			173	Antora Meadows-Bear Creek .....	X
106	Antelope Creek.		174	Beartown .....	X
107	Aspen Ridge .....	X	175	Beaver Mountain .....	X
108	Babcock Hole.		176	Bennet Mountain-Blowout-Willow Creek-Lion Point-Greenie Mountain.	X
109	Badger Creek .....	X	177	Big Buck-Kitty-Ruby .....	X
110	Boreas.		178	Box-Road Canyon .....	X
111	Buffalo Peaks East .....	X	179	Bristol Head .....	X
112	Buffalo Peaks South.		180	Butterfly.	
113	Buffalo Peaks West .....	X			
114	Burning Bear .....	X			
115	Chicago Ridge.				
116	Chipeta.				
117	Cuchara North.				
118	Cuchara South.				
119	Elk Mountain-Collegiate North .....	X			
120	Elk Mountain-Collegiate South.				
121	Elk Mountain-Collegiate West .....	X			
122	Farnum.				

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Line No.	Colorado roadless area name	Includes upper tier acres	Line No.	Colorado roadless area name	Includes upper tier acres
181	Chama Basin .....	X	250	Troublesome North .....	X
182	Conejos River-Lake Fork .....		251	Troublesome South .....	X
183	Copper Mountain-Sulphur .....	X	252	Walton Peak .....	
184	Cotton Creek .....		253	Whalen Creek .....	
185	Crestone .....		<b>San Juan National Forest</b>		
186	Cumbres .....	X	254	Baldy .....	
187	Deep Creek-Boot Mountain .....	X	255	Blackhawk Mountain .....	
188	Dorsey Creek .....	X	256	East Animas .....	X
189	Elkhorn Peak .....	X	257	Fish Creek .....	
190	Four Mile Creek .....	X	258	Florida River .....	
191	Fox Creek .....	X	259	Graham Park .....	X
192	Fox Mountain .....	X	260	HD Mountains .....	
193	Gibbs Creek .....		261	Hermosa .....	X
194	Gold Creek-Cascade Creek .....	X	262	Lizard Head Adjacent .....	X
195	Hot Springs .....		263	Piedra Area Adjacent .....	X
196	Indian Ridge .....	X	264	Runlett Park .....	
197	Kitty Creek .....		265	Ryman .....	X
198	La Garita .....	X	266	San Miguel .....	X
199	Lake Fork .....	X	267	South San Juan Adjacent .....	X
200	Lower East Bellows .....	X	268	Storm Peak .....	
201	Middle Alder .....	X	269	Treasure Mountain .....	X
202	Miller Creek .....		270	Turkey Creek .....	X
203	Pole Creek .....		271	Weminuche Adjacent .....	X
204	Pole Mountain-Finger Mesa .....	X	272	West Needles .....	X
205	Red Mountain .....	X	273	Winter Hills/Serviceberry Mountain .....	
206	Ruby Lake .....	X	<b>White River National Forest</b>		
207	Sawlog .....	X	274	Adam Mountain .....	
208	Sheep Mountain .....	X	275	Ashcroft .....	
209	Silver Lakes-Stunner .....	X	276	Assignment Ridge .....	X
210	Snowshoe Mountain .....	X	277	Baldy Mountain .....	
211	Spectacle Lake .....		278	Basalt Mountain A. ....	
212	Spruce Hole-Sheep Creek .....	X	279	Basalt Mountain B. ....	
213	Stunner Pass-Dolores Canyon .....	X	280	Berry Creek .....	
214	Sulphur Tunnel .....		281	Big Ridge to South Fork A .....	X
215	Summit Peak-Elwood Pass .....	X	282	Big Ridge to South Fork B .....	X
216	Taylor Canyon .....	X	283	Black Lake East .....	
217	Tewksberry .....	X	284	Black Lake West .....	
218	Tobacco Lakes .....	X	285	Blair Mountain .....	
219	Trout Mountain-Elk Mountain .....	X	286	Boulder .....	
220	Ute Pass .....	X	287	Budges .....	
221	Wason Park .....	X	288	Buffer Mountain .....	
222	Wightman Fork-Upper Burro .....	X	289	Burnt Mountain .....	
223	Wightman Fork -Lookout .....	X	290	Chicago Ridge .....	X
224	Willow Mountain .....	X	291	Corral Creek .....	X
<b>Routt National Forest</b>			292	Crystal River .....	
225	Barber Basin .....		293	Deep Creek .....	X
226	Black Mountain .....		294	Dome Peak .....	X
227	Bunker Basin .....	X	295	East Divide-Four Mile Park .....	
228	Bushy Creek .....		296	East Vail .....	
229	Chatfield .....	X	297	East Willow .....	
230	Chedsey Creek .....		298	Elk Creek B. ....	
231	Dome .....		299	Elliot Ridge .....	X
232	Dome Peak .....	X	300	Fawn Creek-Little Lost Park .....	
233	Elkhorn .....		301	Freeman Creek .....	X
234	Gold Creek .....		302	Gallo Hill .....	
235	Grizzly Helena .....		303	Game Creek .....	
236	Kettle Lakes .....	X	304	Grizzly Creek .....	
237	Little Green Creek .....		305	Gypsum Creek .....	X
238	Long Park .....		306	Hardscrabble .....	
239	Mad Creek .....		307	Hay Park .....	
240	Morrison Creek .....		308	Holy Cross City .....	
241	Never Summer North .....		309	Homestake .....	
242	Never Summer South .....		310	Hoosier Ridge .....	X
243	Nipple Peak North .....	X	311	Housetop Mountain .....	
244	Nipple Peak South .....	X	312	Hunter .....	X
245	Pagoda Peak .....	X	313	Little Grand Mesa .....	X
246	Shield Mountain .....	X	314	Lower Piney .....	
247	South Fork .....	X	315	Mamm Peak .....	
248	Sugarloaf North .....		316	Maroon East .....	
249	Sugarloaf South .....	X			

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Line No.	Colorado roadless area name	Includes upper tier acres
317	Maryland Creek.	
318	McClure Pass.	
319	McFarlane.	
320	Meadow Mountain A.	
321	Meadow Mountain B.	
322	Morapos A.	
323	Morapos B.	
324	Mormon Creek .....	X
325	No Name.	
326	North Elk.	
327	North Independent A .....	X
328	North Independent B.	
329	North Woody.	
330	Pagoda Peak.	
331	Piney Lake.	
332	Porcupine Peak .....	X
333	Ptarmigan A.	
334	Ptarmigan B .....	X
335	Ptarmigan C .....	X
336	Ptarmigan Hill A.	
337	Ptarmigan Hill B.	
338	Red Dirt A.	
339	Red Dirt B.	
340	Red Mountain.	
341	Red Table .....	X
342	Reno Mountain.	
343	Ripple Creek Pass-Trappers Lake .....	X
344	Ryan Gulch.	
345	Salt Creek.	
346	Sloan Peak .....	X
347	Spraddle Creek A .....	X
348	Spraddle Creek B.	
349	Sweetwater A .....	X
350	Sweetwater B.	
351	Tenderfoot Mountain .....	X
352	Tenmile.	
353	Thompson Creek.	
354	Tigwion .....	X
355	Treasure Mountain .....	X
356	West Brush Creek.	
357	West Lake Creek.	
358	Wildcat Mountain.	
359	Wildcat Mountain B.	
360	Wildcat Mountain C.	
361	Williams Fork.	
362	Willow.	
363	Woods Lake .....	X

- 296.10 Suspension and revocation of permits.
- 296.11 Appeals relating to permits.
- 296.12 Relationship to section 106 of the National Historic Preservation Act.
- 296.13 Custody of archaeological resources.
- 296.14 Determination of archaeological or commercial value and cost of restoration and repair.
- 296.15 Assessment of civil penalties.
- 296.16 Civil penalty amounts.
- 296.17 Other penalties and rewards.
- 296.18 Confidentiality of archaeological resource information.
- 296.19 Report.
- 296.20 Public awareness programs.
- 296.21 Surveys and schedules.

AUTHORITY: Pub. L. 96–95, 93 Stat. 721, as amended, 102 Stat. 2983 (16 U.S.C. 470aa–mm)(Sec. 10(a). Related Authority: Pub. L. 59–209, 34 Stat. 225 (16 U.S.C. 432, 433); Pub. L. 86–523, 74 Stat. 220, 221 (16 U.S.C. 469), as amended, 88 Stat. 174 (1974); Pub. L. 89–665, 80 Stat. 915 (16 U.S.C. 470a–t), as amended, 84 Stat. 204 (1970), 87 Stat. 139 (1973), 90 Stat. 1320 (1976), 92 Stat. 3467 (1978), 94 Stat. 2987 (1980); Pub. L. 95–341, 92 Stat. 469 (42 U.S.C. 1996).

SOURCE: 49 FR 1027, Jan. 6, 1984, unless otherwise noted.

**§ 296.1 Purpose.**

(a) The regulations in this part implement provisions of the Archaeological Resources Protection Act of 1979, as amended (16 U.S.C. 470aa–mm) by establishing the uniform definitions, standards, and procedures to be followed by all Federal land managers in providing protection for archaeological resources, located on public lands and Indian lands of the United States. These regulations enable Federal land managers to protect archaeological resources, taking into consideration provisions of the American Indian Religious Freedom Act (92 Stat. 469; 42 U.S.C. 1996), through permits authorizing excavation and/or removal of archaeological resources, through civil penalties for unauthorized excavation and/or removal, through provisions for the preservation of archaeological resource collections and data, and through provisions for ensuring confidentiality of information about archaeological resources when disclosure would threaten the archaeological resources.

**PART 296—PROTECTION OF ARCHAEOLOGICAL RESOURCES: UNIFORM REGULATIONS**

Sec.

- 296.1 Purpose.
- 296.2 Authority.
- 296.3 Definitions.
- 296.4 Prohibited acts and criminal penalties.
- 296.5 Permit requirements and exceptions.
- 296.6 Application for permits and information collection.
- 296.7 Notification to Indian tribes of possible harm to, or destruction of, sites on public lands having religious or cultural importance.
- 296.8 Issuance of permits.
- 296.9 Terms and conditions of permits.